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10/511,610	04/18/2005	Renato Cantini	261204US2XPCT	7462

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EXAMINER
SAFAIPOUR, BOBBAK

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
08/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 4-8, 10-15* is/are rejected.

7)☒ Claim(s) *3 and 9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This Action is in response to Applicant's response filed on 4/14/2008. **Claims 1-15** are still pending in the present application. **This action is made FINAL.**

Response to Arguments

Applicants argue that Nassor fails to disclose transmitting a resource management confirmation from the identified resource module via the telecommunication network to the external resource management centre.

The Examiner respectfully disagrees. Nassor discloses once the information of the application has been stored in programmable memory, the operating system of the card calculates the signature of the information. It then re-enters into the table the application code, the storage address, the number of bytes n, and the signature. Once this operation has been performed, the "Load/Unload" indicator is set to "Loaded." The updating of the table being finished, the operating system of the card can then send a report (read as resource management confirmation), through the reader, to the card holder or the application provider, indicating that the loading of the application has been performed correctly. (col. 7, lines 8-11; col. 9, lines 11-22)

If the Applicant intends to differentiate between the report of the Nassor reference and the resource management confirmation of the present application, then such differences should be made explicit in the claims. As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

Furthermore, Applicants argue that Nassor fails to disclose storing information in the external resource management centre about the resources made ready or released, the information being stored assigned to the module identification.

The Examiner respectfully disagrees. Nassor discloses the memories of the card are organized in the following way: a memory of the ROM type, a working memory of the RAM type, and a programmable nonvolatile memory of the EEPROM or FLASH type. The ROM contains a basic operating system area comprising a minimum of sub-programs or routines such as the input/output and memory read/write routines and an area for the operating system of a virtual memory. The basic operating system and the operating system of the virtual memory together form what will hereinafter be called the "operating system of the card." The operating system of the virtual memory is preferably capable of handling at least nine commands. At least four commands are sent by the reader to the card: loading of applications into the card, running of the previously loaded applications in the card, erasure of applications in card, and checking for presence of applications in card. Five other commands are sent by the card to the reader: unloading of applications to the network, reloading of applications from the network, suspension of the loading process, resumption of the loading process, and erasure of applications in the network. (col. 4, lines 6-21; col. 4, line 60 to col. 5, line 23)

If the Applicant intends to differentiate between the memories of the card of the Nassor reference and the storing information in the external resource management center of the present application, then such differences should be made explicit in the claims. As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

Finally, as an additional note, Applicants argue that Bishop does not teach managing the

resources of a chipcard; particularly, Bishop does not teach managing the resources of a chipcard

connected to a communication terminal.

The Examiner respectfully disagrees. Bishop discloses included in the operating system is

the resource manager 112, which is a control program responsible for the allocation of the

computer system's resources. The resource manager 112 could alternatively be stored on a

computer-readable medium, such as a magnetic disk, accessible via the disk drive unit 120. The

resource manager 112 could also be stored on a separate computer system and accessed over a

network connection to the computer system 100 via the network device 122 also shown included

in the computer system 100. (figure 1; col. 2, lines 35-45)

As a result, the argued features are written such that they read upon the cited references;

therefore, the previous rejection still applies.

Upon further review, claims 3 and 9 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims. (see Allowable Subject Matter below)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
      or nonobviousness.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 4-8, and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Bishop et al. (US 5,826,082; hereinafter Bishop)** in view of **Nassor (US 6,687,800 B1).**

Consider **claim 1**, Bishop discloses a method for management of resources of a chipcard

connected to a communication terminal, the resources comprising electronic memory units, the

method comprising:

transmitting a first resource management instruction for making ready or releasing

resources in the chipcard to a resource management centre external to the chipcard (col. 2, lines

36-45; can be accessed over a network connection), the first resource management instruction

comprising a module identification identifying the chipcard (abstract; col. 1, line 65 to col. 2,

line 11; col. 3, lines 5-11 and 18-30; col. 3, line 63 to col. 4, line 11; The first request identifies a

first resource.);

      determining in the external resource management centre if sufficient resources are

available in the chipcard identified through the module identification to meet requirements of the

first resource management instruction (col. 3, lines 18-30; col. 3, line 63 to col. 4, line 11; The

resource manager determines if the requested amount of the requested resource is available.);

      transmitting a second resource management instruction from the resource management

centre via a an external telecommunication network to the chipcard identified through the

module identification (figure 1; col. 5, lines 40-67; second and third threads); and

      making ready or releasing resources, in accordance with the received second resource

management instruction, through a resource control mechanism in the identified chipcard (col. 3,

lines 19-30; col. 4, lines 5-10).

      Bishop fails to specifically disclose transmitting a resource management confirmation

from the identified chipcard via the telecommunication network to the external resource

management centre concerning resources which have been made ready or released; and storing

information in the external resource management centre about the resources made ready or

released in the chipcard based on the transmitted resource management confirmation received by

the external resource management centre, the information being stored assigned to the module

identification.

In related art, Nassor discloses transmitting a resource management confirmation from the identified chipcard via the telecommunication network to the external resource management centre concerning resources which have been made ready or released (col. 7, lines 8-11; col. 9, lines 11-22; Indicates the loading of the application has been performed correctly); and storing information in the external resource management centre about the resources made ready or released in the chipcard based on the transmitted resource management confirmation received by the external resource management centre, the information being stored assigned to the module identification (col. 1, lines 55-67; col. 4, lines 6-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Nassor into the teachings of Bishop to load and unload a programmable memory as a function of the need for the program run by the card and for applicative data.

Consider **claim 7**, Bishop discloses a system comprising:

a plurality of portable chipcards, each connected to a communication terminal and each comprising a resource control mechanism for making ready and releasing resources in the respective chipcard (col. 3, lines 19-30; col. 4, lines 5-10), the resources comprising electronic memory units, and

a resource management centre, external to the plurality of chipcards, including a receiving module for receiving a first resource management instruction comprising a module identification, transmitted to the external resource management centre (abstract; col. 1, line 65 to col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3, line 63 to col. 4, line 11; The first request

identifies a first resource.), the external resource management centre also including a

management instruction module for transmitting, to the chipcard identified by the module

identification, a second resource management instruction via an external telecommunication

network connected to the resource management centre (figure 1; col. 5, lines 40-67; second and

third threads).

Bishop fails to specifically disclose that the chipcards each include a confirmation

module for transmission of a resource management confirmation via the communication network

to the external resource management centre concerning resources which have been made ready

or released through the resource control mechanism in accordance with a received second

resource management instruction; and the external resource management centre includes a

management module and a data store for storing information about the resources made ready or

released, based on the transmitted resource management confirmation received by the external

resource management centre, the information being stored assigned to the module identification.

In related art, Nassor discloses that the chipcards each include a confirmation module for

transmission of a resource management confirmation via the communication network to the

external resource management centre concerning resources which have been made ready or

released through the resource control mechanism in accordance with a received second resource

management instruction (col. 7, lines 8-11; col. 9, lines 11-22; Indicates the loading of the

application has been performed correctly); and the external resource management centre includes

a management module and a data store for storing information about the resources made ready or

released, based on the transmitted resource management confirmation received by the external

resource management centre, the information being stored assigned to the module identification (col. 1, lines 55-67; col. 4, lines 6-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Nassor into the teachings of Bishop to load and unload a programmable memory as a function of the need for the program run by the card and for applicative data.

Consider **claim 13**, Hoshino discloses a resource management centre for management of resources of chipcard, each chipcard being connected to a communication terminal, and each chipcard comprising a resource control mechanism for making ready or releasing resources in the respective chipcards, the resources comprising electronic memory units, comprising:

a receiving module for receiving a first resource management instruction for making ready or releasing resources transmitted to the external resource management centre (col. 2, lines 36-45; can be accessed over a network connection), the first resource management instruction comprising a module identification identifying the chipcard (abstract; col. 1, line 65 to col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3, line 63 to col. 4, line 11; The first request identifies a first resource.);

a determining module for determining if sufficient resources are available in the chipcard identified through the module identification to meet requirements of the first resource management instruction (col. 3, lines 18-30; col. 3, line 63 to col. 4, line 11; The resource manager determines if the requested amount of the requested resource is available.);

a management instruction module for transmitting, to the chipcard identified through the module identification, a second resource management instruction via a telecommunication network connectible to the external resource management centre (figure 1; col. 5, lines 40-67; second and third threads);

Bishop fails to specifically disclose means for receiving a resource management confirmation via the communication network from the identified chipcard concerning resources which have been made ready or released through the resource control mechanism in accordance with the received second resource management instruction; a management module and a data store for storing information about the resources made ready or released, based on the transmitted resource management confirmation received by the external resource management centre, the information being stored in a way assigned to the module identification.

In related art, Nassor discloses means for receiving a resource management confirmation via the communication network from the identified chipcard concerning resources which have been made ready or released through the resource control mechanism in accordance with the received second resource management instruction (col. 7, lines 8-11; col. 9, lines 11-22; Indicates the loading of the application has been performed correctly); a management module and a data store for storing information about the resources made ready or released, based on the transmitted resource management confirmation received by the external resource management centre, the information being stored in a way assigned to the module identification (col. 1, lines 55-67; col. 4, lines 6-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Nassor into the teachings of Bishop to load and unload

a programmable memory as a function of the need for the program run by the card and for

applicative data.

        Consider **claim 2**, and **as applied to claim 1 above**, Bishop, as modified by Nassor,

discloses the claimed invention wherein the module identification and an application request are

transmitted by the user of the communication terminal to an application management unit

(Bishop: abstract; col. 1, line 65 to col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3, line 63 to

col. 4, line 11),

        wherein the first resource management instruction is transmitted by the application

management unit to the resource management centre on the basis of the received application

request, the first resource management instruction comprising a resource user identification

(Bishop: abstract; col. 1, line 65 to col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3, line 63 to

col. 4, line 11);

        wherein the resource user identification is stored, assigned to the module identification, in

the resource management centre. (Bishop: col. 2, lines 36-45; Nassor: col. 1, lines 55-67; col. 4,

lines 6-21)

        Consider **claim 4**, and **as applied to claim 1 above**, Bishop, as modified by Nassor,

discloses the claimed invention wherein in the resource management centre an application

installation request is inserted into the second resource management instruction (Bishop:

abstract; col. 1, line 65 to col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3, line 63 to col. 4, line

11), and

wherein an application is installed in the particular chipcard through the resource control

mechanism in accordance with the application installation request (Bishop: abstract; col. 1, line

65 to col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3, line 63 to col. 4, line 11);

wherein information about the installed application is stored in the resource management

centre, the information being stored assigned to the module identification. (Bishop: col. 2, lines

36-45; Nassor: col. 1, lines 55-67; col. 4, lines 6-21).

Consider **claim 5**, and **as applied to claim 1 above**, Bishop, as modified by Nassor,

discloses the claimed invention wherein the communication address of the communication

terminal is determined from a data store in which module identifications and communication

addresses assigned to these module identifications are stored. (Bishop: abstract; col. 1, line 65 to

col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3, line 63 to col. 4, line 11)

Consider **claim 6**, and **as applied to claim 1 above**, Bishop, as modified by Nassor,

discloses the claimed invention wherein managed in addition are software resources of the

chipcards (Bishop: abstract; col. 1, line 65 to col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3,

line 63 to col. 4, line 11).

Consider **claim 8**, and **as applied to claim 7 above**, Bishop, as modified by Nassor,

discloses the claimed invention wherein the system includes an application management unit for

receiving the module identification and an application request from the user of the

communication terminal and for transmitting the first resource management instruction to the

resource management centre on the basis of the received application request, (Bishop: abstract;

col. 1, line 65 to col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3, line 63 to col. 4, line 11))

the first resource management instruction includes a resource user identification, (Bishop:

col. 2, lines 36-45) and

wherein the management module includes means for storing in the data store the resource

user identification in a way assigned to the module identification. (Bishop: col. 2, lines 36-45;

Nassor: col. 1, lines 55-67; col. 4, lines 6-21)

Consider **claim 10**, and **as applied to claim 7 above**, Bishop, as modified by Nassor,

discloses the claimed invention wherein the management instruction module includes means for

inserting an application installation request into the second resource management instruction,

(Bishop: abstract; col. 1, line 65 to col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3, line 63 to

col. 4, line 11)

wherein the resource control mechanism includes means of installing an application in

the respective chipcard in accordance with the application installation request (Bishop: abstract;

col. 1, line 65 to col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3, line 63 to col. 4, line 11) and

wherein the management module includes means for storing information about the

installed application, the information being stored, assigned to the module identification, in the

data store. (Bishop: col. 2, lines 36-45; Nassor: col. 1, lines 55-67; col. 4, lines 6-21)

Consider **claim 11**, and **as applied to claim 7 above**, Bishop, as modified by Nassor,

discloses the claimed invention wherein the system comprises an address mapping unit and a

data store for determining the communication address of the communication terminal in which

data store module identification and communication addresses are assigned to these module

identification are stored. (Bishop: abstract; col. 1, line 65 to col. 2, line 11; col. 3, lines 5-11 and

18-30; col. 3, line 63 to col. 4, line 11)

Consider **claim 12**, and **as applied to claim 7 above**, Bishop, as modified by Nassor,

discloses the claimed invention wherein the resources which are made ready and released

through the resource control mechanism further comprise, in addition, software resources.

(Bishop: col. 3, lines 19-30; col. 4, lines 5-10)

Consider **claim 14**, and **as applied to claim 13 above**, Bishop, as modified by Nassor,

discloses the claimed invention wherein the management instruction module further comprises

means for inserting an application installation request into the second resource management

instruction (Bishop: abstract; col. 1, line 65 to col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3,

line 63 to col. 4, line 11)

wherein the management module further comprises means for storing information about

an application installed in the particular chipcard in accordance with the application installation

request, the information being stored, assigned to the module identification, in the data store.

(Bishop: abstract; col. 1, line 65 to col. 2, line 11; col. 3, lines 5-11 and 18-30; col. 3, line 63 to

col. 4, line 11)

Consider **claim 15**, and **as applied to claim 13 above**, Bishop, as modified by Nassor, discloses the claimed invention wherein a confirmation module for transmitting a resource preparation confirmation to an application management unit from which the first resource management instruction was received by the receiving module (Nassor: col. 7, lines 8-11; col. 9, lines 11-22),

wherein the management module further comprises means for storing a resource user identification contained in the first resource management instruction, the resource user identification being stored, assigned to the module identification, in the data store. (Nassor: col. 1, lines 55-67; col. 4, lines 6-21)

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Consider claim 3, the best prior art of record found during the examination of the present application, **Bishop et al. (US 5,826,082; hereinafter Bishop) in view of Nassor (US 6,687,800 B1)**, fails to specifically disclose, teach or suggest a resource preparation confirmation is transmitted form the resource management centre to the application management unit, wherein an application installation request is transmitted from the application management unit via the external telecommunication network to the particular chipcard, wherein an application is installed in the particular chipcard through the resource control mechanism in accordance with the application installation request using the prepared resources; and wherein information about

the installed application is stored in the application management unit, the information being

stored assigned to the module identification.

        Claim 9 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

        Consider claim 9, the best prior art of record found during the examination of the present

application, **Bishop et al. (US 5,826,082; hereinafter Bishop)** in view of **Nassor (US 6,687,800**

B1), fails to specifically disclose, teach or suggest the resource management module comprises a

confirmation module for transmission of a resource preparation confirmation to the application

management unit, wherein the application management unit includes an application instructions

module for transmitting an application installation request via the external telecommunication

network to the particular chipcard, wherein the resource control mechanism includes means for

installing an application in the respective chipcard in accordance with the application installation

request and using the prepared resources; wherein the application management unit includes an

application management module for storing information about the installed application, the

information being stored assigned to the module identification.

                                    Conclusion

        Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092.

The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-

3028.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist/customer service whose telephone number is (571) 272-

2600.

/Bobbak Safaipour/

Examiner, Art Unit 2618

July 31, 2008

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618